

S.B. Criminal Misc. Petition No. 125/2005
(Pawan Kumar & ors. Vs. State of Rajasthan & ors.)

Date of Order: September 15, 2006

HON'BLE MR. H.R. PANWAR, J.

Mr. K.S. Gill, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 25-2-2003 passed by the Judicial Magistrate, Rawatsar, district Hanumangarh (for short, "the trial Court" hereinafter), whereby the trial Court took cognizance of the offence under Section 138 of the Negotiable Instruments Act, 1881 against the petitioners and issued the process.

I have heard learned counsel for the petitioners and perused the order impugned. In my view, there are sufficient material on record to proceed against the petitioners for the offence under Section 138 of the Negotiable Instruments Act, 1881 and, therefore, the trial Court was justified in taking cognizance of the offence and issuing the process.

The criminal miscellaneous petition is no force and it is, therefore, dismissed. The stay petition also stands dismissed.

(H.R. PANWAR), J.

mcs